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CUSTOMER NUMBER 25268

2006 MAR 14 5:14:26  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: &amp; TRV DE Russell et al.

Attorney Docket No: APPL0002

Serial No: 09/991,127

Group Art Unit: 2153

Filed: November 14, 2001

Examiner: Strange, Aaron N.

Title: METHOD AND SYSTEM FOR MONITORING THE PERFORMANCE OF  
A DISTRIBUTED APPLICATIONREQUEST FOR REFUND

Bellevue, Washington 98004

March 8, 2006

TO THE COMMISSIONER FOR PATENTS:

On a Monthly Statement of Deposit Account dated January 31, 2006 (copy enclosed) for Deposit Account No. 01-1940 (Law Offices of Ronald M. Anderson, Customer Number 25268), a charge of \$395 is shown under fee code 2801, which is a charge for Request for Continued Examination (RCE) filing fee. A refund of this charge is hereby requested, based on the information noted below.

The deposit account charge stems from an RCE filing that was originally submitted on November 25, 2005. Enclosed is a copy of the accompanying return receipt postcard (date stamped as received by the Patent Office as of November 25, 2005), copy of a \$395 check for the RCE filing fee, and RCE transmittal letter. A copy of the bank statement showing payment of this check No. 8642 is also enclosed.

The Patent Office subsequently issued a Notice of Non-Compliant Amendment on December 20, 2005, indicating that the amendment submitted with the RCE was not in compliance with requirements regarding the status of each claim (new, amended, etc.).

On January 6, 2006, applicants filed a response to the Notice of Non-Compliant Amendment in the form of a replacement amendment with a new RCE transmittal letter which indicated payment for the RCE had been submitted with the RCE and amendment filed November 25, 2005. A copy of the second RCE transmittal is enclosed.

///

1 It appears that two RCE filing fees have thus been paid by applicants, when only one fee is  
2 appropriate, and applicants respectfully request that the second, unnecessary RCE filing fee be  
3 refunded at the earliest time possible.

4  
5 Respectfully submitted,

6 *Ron Anderson*

7  
8 Ronald M. Anderson  
9 Registration No. 28829

10 I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed  
11 envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents, P.O.  
12 Box 1450, Alexandria, Virginia 22313-1450, on March 8, 2006.

13 Date: March 8, 2006

*Christine A. Ives*

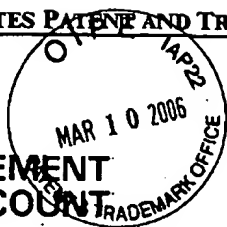
14 Enclosures

15 Copy of Monthly Statement of Deposit Account dated 1/31/2006  
16 Original RCE Transmittal Letter dated 11/25/2005  
17 Return receipt postcard  
18 Copy of \$395 check for RCE filing fee  
19 Copy of Bank Statement Showing Payment of \$395 check  
20 2<sup>nd</sup> RCE Transmittal Letter dated 1/6/2006  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

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MONTHLY STATEMENT  
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To replenish your deposit account, detach and return top portion with  
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Account No.	011940
Date	1-31-06
Page	1

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**CUSTOMER NUMBER 25268****REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.

Application Number	09/991,127
Filing Date	November 14, 2001
First Named Inventor	Russell et al.
Group Art Unit	2153
Examiner Name	Aaron N. Strange
Attorney Docket No.	APPL0002

**This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.**

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

☒ 1. Submission required under 37 C.F.R. § 1.114

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

iii. ☐ Other \_\_\_\_\_

b. Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other \_\_\_\_\_

☐ 2. Miscellaneous

☐ 3. Request for Extension of Time

☒ 4. Request for Constructive Petition for Extension of Time

It is requested that any concurrent or future reply submitted in the present application requiring a petition for an extension of time under 37 CFR 1.136(a)(3) for timely submission be treated as incorporating a petition for extension of time for the appropriate length of time. It is also requested that any additional required fees under § 1.17, including all required extension of time fees, be charged to Deposit Account No. 01-1940, thereby constructively petitioning for any necessary extension of time to maintain the present application in a pending state.

X 5. Claim Status

Computation of Fee For Claims as Submitted for filing in RCE					
	Claims Remaining after Preliminary Amendment Submitted Herewith (if any)	Highest Number of Claims Previously Paid For	Number of Extra Claims	Rate	Fees
Total Claims	56	61	-0-	x \$25	\$-0-
Independent Claims	6	8	-0-	x \$100	-0-
RCE FEE					395
TOTAL ADDITIONAL FEE FOR THIS RCE SUBMISSION					\$ 395

X 6. Fees The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.

a. X The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 01-1940.

- i.      RCE fee required under 37 CFR § 1.17(e)
- ii.      Extension of time fee (37 CFR §§ 1.136 and 1.17)
- iii. X Any additional required fees
- iv.      Other

b. X Check No. 8642 in the amount of \$395 is enclosed, which includes all the fees as noted above.

c.      Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Typed/Printed Name Ronald M. Anderson

Registration Number 28,829

Signature

Ron Anderson

Date: November 25, 2005

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Express Mail Label No. EV538087040US

Date of Deposit: November 25, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, Virginia 22313-1450.

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CUSTOMER NUMBER 25268

**APPL0002** The following have been received in the U.S. Patent and Trademark Office on the date stamped hereon.

1. Request for Continued Examination (RCE) Transmittal Letter (with fee(s)) (small entity status claimed) (2pp, in duplicate)
2. Preliminary Amendment (21pp)
3. \$395 check for RCE filing fee
4. Return receipt postcard

Re: U.S. Patent Application Serial No. 09/991,127  
Filed: 11/14/01  
Applicants: Russell et al.  
Group Art Unit: 2153; Examiner: Aaron N. Strange  
Attorney Docket No. APPL0002  
Title: METHOD AND SYSTEM FOR MONITORING THE  
PERFORMANCE OF A DISTRIBUTED APPLICATION

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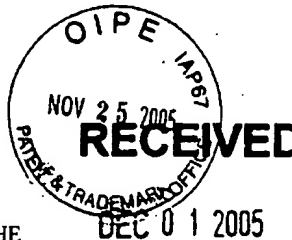


CUSTOMER NUMBER 25268

**APPL0002** The following have been received in the U.S. Patent and Trademark Office on the date stamped hereon:

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Re: U.S. Patent Application Serial No. 09/991,127  
Filed: 11/14/01  
Applicants: Russell et al.  
Group Art Unit: 2153; Examiner: Aaron N. Strange  
Attorney Docket No. APPL0002  
Title: METHOD AND SYSTEM FOR MONITORING THE  
PERFORMANCE OF A DISTRIBUTED APPLICATION



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8642

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*Ron Anderson*

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Statement Period | Page 3 of  
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Patent Office: U.S. DEPARTMENT OF COMMERCE

**CUSTOMER NUMBER 25268**

<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>  <small>Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.</small>	<b>Application Number</b>	<b>09/991,127</b>
	<b>Filing Date</b>	<b>November 14, 2001</b>
	<b>First Named Inventor</b>	<b>Russell et al.</b>
	<b>Group Art Unit</b>	<b>2153</b>
	<b>Examiner Name</b>	<b>Aaron N. Strange</b>
	<b>Attorney Docket No.</b>	<b>APPL0002</b>

**This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.**

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

- ☒ 1. Submission required under 37 C.F.R. § 1.114
- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_
- ☐ 2. Miscellaneous
- ☐ 3. Request for Extension of Time
- ☒ 4. Request for Constructive Petition for Extension of Time

It is requested that any concurrent or future reply submitted in the present application requiring a petition for an extension of time under 37 CFR 1.136(a)(3) for timely submission be treated as incorporating a petition for extension of time for the appropriate length of time. It is also requested that any additional required fees under § 1.17, including all required extension of time fees, be charged to Deposit Account No. 01-1940, thereby constructively petitioning for any necessary extension of time to maintain the present application in a pending state.

X  5. Claim Status

Computation of Fee For Claims as Submitted for filing in RCE					
	Claims Remaining after Preliminary Amendment Submitted Herewith (if any)	Highest Number of Claims Previously Paid For	Number of Extra Claims	Rate	Fees
Total Claims	56	61	-0-	x \$25	\$-0-
Independent Claims	6	8	-0-	x \$100	-0-
RCE FEE					395
TOTAL ADDITIONAL FEE FOR THIS RCE SUBMISSION (previously paid)					\$ 395

X  6. Fees The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.

a.  X  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 01-1940.

- i.   RCE fee required under 37 CFR § 1.17(e)
- ii.   Extension of time fee (37 CFR §§ 1.136 and 1.17)
- iii.  X  Any additional required fees
- iv.   Other

b.  X  Check No. 8642 in the amount of \$395 was enclosed with the original RCE submitted on November 25, 2005, which includes all the fees as noted above.

c.   Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Typed/Printed Name  Ronald M. Anderson

Registration Number  28,829

Signature

Ron Anderson

Date:  January 6, 2006

MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on January 6, 2006.

Date: January 6, 2006

Elizabeth L. Miller

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